

Brant
& ASSOCIATES
attorneys at law

572 West Main Street · P.O. Box 26865 · Trappe PA 19426 · Phone: 610.489.9199 · Fax: 610.489.6815

Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Crystal J. Fisher · Doreen L. Smith

April 3, 2008

Peter T. Leis, Director
Human Resources Department
Courthouse
P.O. Box 311
Norristown, PA 19404-0311

Re: Reginald Roberts
Montgomery County Detective

Dear Mr. Leis:

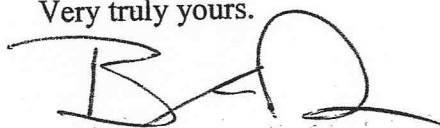
I am writing to inquire as to the position of Montgomery County of Reginald Robert's request for Heart and Lung Benefits, which was submitted approximately two (2) months ago, and followed by correspondence from this office on March 10, 2008. Mr. Roberts continues to receive treatment for tuberculosis with the intention and goal of returning to work as soon as possible.

However, his bank of accrued leave is depleting rapidly as you will see from the attached. In fact, Mr. Roberts is now down to 80 vacation hours.

As I indicated previously, upon grant of Heart and Lung Benefits he should be credited with all leave time that he has used since he went out on November 20, 2007.

Based on the lack of response to previous requests for Heart and Lung Benefits, I am now submitting a demand for a Local Agency Hearing in order to address the Heart and Lung issue. Please contact me as soon as possible on this.

Very truly yours.



BLAKE E. DUNBAR, JR.

BED/th



BARRY M. MILLER
COUNTY SOLICITOR

CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
LARRY J. FORMAR
ASSISTANT DEPUTY SOLICITOR
JEFFREY D. ALBERT
ASSISTANT DEPUTY SOLICITOR

BRUCE J. ECKEL
FIRST ASSISTANT COUNTY SOLICITOR
PHILIP W. NEWCOMER
CHIEF OF LITIGATION
LAUREL GRASS
ASSISTANT COUNTY SOLICITOR
MAUREEN C. COGGINS
ASSISTANT COUNTY SOLICITOR

TEL (610) 278-3033
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OFFICE OF THE SOLICITOR

ONE MONTGOMERY PLAZA
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PO BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

Blake E. Dunbar, Esquire
Robert Brant & Associates
572 West Main Street
P.O. Box 26865
Trappe, PA 19426

April 9, 2008

Re: Reginald Roberts

Dear Mr. Dunbar:

I have recently acquired the above referenced file and am responding to your correspondence of April 3, 2008. I want to assure that Mr. Roberts' receives the Benefits to which he is entitled. However, in order to adequately assess Mr. Roberts' ability to receive Heart and Lung Benefits, there are a few more items that are required by the Act. As soon as we are in receipt of the answers to the following requests from Mr. Roberts' doctor, we will expeditiously make a decision.

1. I understand that Mr. Roberts' has tested positive for tuberculosis, but does Mr. Roberts actually have tuberculosis? Have the results of the "further medical testing" referred to by his doctor come in? Please provide the results indicating a definitive diagnosis.
2. When was Mr. Roberts infected with tuberculosis?
3. Please provide an approximate return to work date for your client.

Once we are in receipt of these responses, I will assure an immediate response for your client.

If I can do anything to help you, please do not hesitate to contact me.

Very truly yours,

Carolyn T. Carluccio
Chief Deputy Solicitor

cc: Peter T. Leis, Director, Human Resources

Cc: Risa Ferman, District Attorney
Oscar Vance, Chief Detective
Barry A. Miller, Esquire
Reginald Roberts



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Doreen L. Smith

August 12, 2008

Carolyn Carluccio, Esquire
Chief Deputy Solicitor
Office of the Solicitor
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404-0311

Re: Reginald Roberts - Heart and Lung Benefits

Dear Ms. Carluccio:

Upon my return from vacation this week, I learned that Mr. Roberts had been terminated from the District Attorney's Office, County Detectives Office. Despite this action by the County, his heart and lung claim remains open. Having not received much movement from the County on this claim in the past, I would not expect any change now that Mr. Roberts has been terminated. You will recall that the Heart and Lung claim involves reimbursement for all leave time that Mr. Roberts was required to use during the period he was out ill with TB until his return to duty.

Accordingly, this letter will serve as a demand for a local agency hearing on the ongoing denial of heart and lung benefits to Mr. Roberts. This demand is submitted pursuant to the authority provided under the Local Agency Law, 2Pa.CSA §551, et seq. Since the Heart and Lung Act does not provide for its own hearing process, the procedure is governed by the statute. In the usual case, the hearing on a heart and lung claim would be heard by the governing body, in this case the County Commissioners. However, since the County of Montgomery is currently involved in active litigation with Mr. Roberts before the Human Relations Commission, an obvious conflict would exist in the Commissioners either hearing the case or appointing a

hearing examiner of its choosing. In either case, Mr. Roberts' due process rights to a fair and impartial hearing would be violated.

Accordingly, it is my suggestion that the parties agree to an impartial hearing agency such as the American Arbitration Association for the appointment of an arbitrator to adjudicate the heart and lung claim. Please contact me to discuss this or simply confirm your concurrence and I will request a list of potential arbitrators from AAA.

Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "BED", with a long horizontal flourish extending to the right.

Blake E. Dunbar, Jr.

BED/raw
Enclosure

cc: Barry A. Miller, Esquire
Reginald A. Roberts



COUNTY OF MONTGOMERY

COMMISSIONERS

JAMES R. MATTHEWS

CHAIRMAN

JOSEPH M. HOEFFEL

BRUCE L. CASTOR, JR.

ACTING DIRECTOR

Carolyn T. Carluccio

(610) 278-3052

TDD: 610-631-1211

HUMAN RESOURCES DEPARTMENT

COURT HOUSE

P.O. BOX 311

NORRISTOWN, PENNSYLVANIA

19404-0311

August 22, 2008

**Reginald Roberts
121 Slate Run Road
Douglassville, PA 19518**

Dear Reginald:

With your departure from employment with the County of Montgomery your benefits will end on the last day of the month in which you leave.

Within a couple of weeks you will receive information from CobraServ, which will enable you to continue your benefits, at your own expense. At that time you may elect whether or not you would like to continue your medical, prescription, dental and vision benefits.

If you would like to continue your life insurance coverage, enclosed is a form, which you must use to convert your coverage to an individual policy, at your own expense. If you have the optional Accidental Death and Dismemberment and/or voluntary life insurance coverage, these forms are, also, enclosed so that you may continue your coverage.

For those employees with a Flexible Spending Account (FSA), you may continue to submit receipts for any qualified expenses prior to your termination through the end of the year. To submit expenses after your termination date you must elect FSA Cobra. You will receive information from Cbiz that will allow you to continue flexible spending through the end of the year.

If you are enrolled in a deferred compensation plan such as ING / Valic, please contact your representative(s) if you would like to make a withdrawal(s) or a rollover.

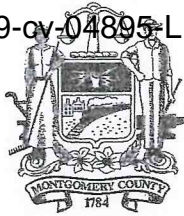
If you have any questions concerning your benefits, pension or payroll / your mailing address has or will change please contact the following:

Toni Luter (610) 278-3705 (Benefits)
Josephine D'Amico (610) 278-3704 (Benefits)
Payroll Department (610) 278-3079
Retirement Department (610) 278-3082

Sincerely,

Toni Luter

Toni Luter
Benefits Administrator
Enclosure(s)



CAROLYN T. CARLUCCIO
CHIEF DEPUTY SOLICITOR
LARRY J. FOLMAR
ASSISTANT DEPUTY SOLICITOR
JEFFREY B. ALBERT
ASSISTANT DEPUTY SOLICITOR

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Blake E. Dunbar, Jr., Esquire
Robert L. Brant & Associates
572 West Main Street
P.O. Box 26865
Trappe, PA 19426

August 25, 2008

Re: Reginald A. Roberts – Heart and Lung Benefits

Dear Mr. Dunbar:

I also am just returning from vacation and found your letter on my chair. You are correct, Mr. Roberts's termination will have no impact on the County's review of his Heart and Lung claim. We will follow the same procedure we follow for all County employees.

I spoke with the Director of our Health Department this morning. He informed me that, despite sending a request to Mr. Roberts' doctors for medical records immediately upon receipt of Mr. Roberts' Release, to date the doctor has not complied. He will resubmit his request and give me a report as soon as he reviews the medical reports.

Your letter states at the end of the first paragraph that Mr. Roberts "was out ill with TB." If you in fact have a doctor's report which states he actually had active TB (and not just that he tested positive for the presence of TB), please send that immediately. It will certainly speed up our decision making process.

I will let you know as soon as I receive Dr. DiMino's evaluation.

Thank you,



Carolyn T. Carluccio

cc: Barry M. Miller, Solicitor



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August 28, 2008

Reginald A. Roberts
121 Slate Run Road
Douglassville, PA 19518

Re: Heart and Lung Benefits

Dear Reggie:

Enclosed is the response I received from Carolyn Carluccio. While continuing to move at a snail's pace, she acknowledges that your termination will have no impact on the heart and lung claim.

Should you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "BED" followed by a stylized flourish.

Blake E. Dunbar, Jr.

BED/raw
Enclosure



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Robert L. Brant · Wendy Feiss McKenna · Blake E. Dunbar, Jr. · Robert D. Reber, Jr. · Doreen L. Smith

October 1, 2008

Carolyn T. Carluccio, Esquire
Office of the Solicitor
One Montgomery Plaza
Suite 800
P.O. Box 311
Norristown, PA 19404-0311

Re: Reginald A. Roberts - Heart and Lung Benefits

Dear Carolyn:

I assume that Dr. DiMino has had an opportunity to review records from Mr. Roberts' physicians. Please advise as to the results of that review, and if the County will be moving forward to reimburse Mr. Roberts for the leave time he was forced to use during his period of illness, before he returned to duty.

I previously suggested the parties agree to a hearing on Heart and Lung Claim before an impartial arbitrator, perhaps selected from the American Arbitration Association. If the County is not prepared to address the Heart and Lung Claim at this time, I would like to move forward with the selection of an arbitrator.

However, should either of the above not occur within the next ten (10) days, I will be forced to pursue an action against the County in order to compel arbitration on the claim. It has been many months since the time that

Carolyn T. Carluccio, Esquire
October 1, 2008
Page 2

Reggie Roberts returned to work and he is at least entitled to a hearing on the Heart and Lung Claim if the County is not willing to voluntarily grant him those benefits.

Very truly yours,

A handwritten signature in black ink, appearing to read "Be Dunbar, Jr.", with a stylized "B" and "D".

Blake E. Dunbar, Jr.

BED/klm

cc: Mr. Reginald A. Roberts ✓